

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE DEPARTMENT OF COMMERCE REV. 2-2005		ATTORNEY'S DOCKET NUMBER <b>003482.00020</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/524,432</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US03/025614</b>	INTERNATIONAL FILING DATE <b>15 August 2003</b>	PRIORITY DATE CLAIMED <b>15 August 2002</b>
TITLE OF INVENTION <b>BRAIN ENDOTHELIAL CELL EXPRESSION PATTERNS</b>		
APPLICANT(S) FOR DO/EO/US <b>MADDEN, Stephen I., et al</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li><input type="checkbox"/> The US has been elected (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li><input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li><input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13/er.2 and 37 CFR 1.821 - 1.825.</li> <li><input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> Express Mail Label No.</li> <li><input checked="" type="checkbox"/> Other items or information:</li> </ol> <p style="margin-left: 20px;">Response to Notification of Missing Requirements letter Copy of Notification of Missing Requirement Petition for Extension of Time under 37 CFR 1.136(a) Post card</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/524,432</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US03/025614</b>		ATTORNEY'S DOCKET NUMBER <b>003482.00020</b>	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee .....				\$300	\$ 0.00
25. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). .... All other situations.....				\$100 \$200	\$ 0.00
26. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... International Search Report prepared and provided to the Office ..... All other situations.....				\$100 \$400 \$500	\$ 0.00
<b>TOTAL OF 24, 25 and 26 =</b>				\$	\$ 0.00
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE	
113 - 100 =	13 /50 =	1		x \$250.00	\$ 250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$ 130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	67 - 20 =	47	x \$50.00	\$	\$2,350.00
Independent claims	6 - 3 =	3	x \$200.00	\$	\$600.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>				+ \$360.00	\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	<b>\$3,330.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$ 0.00
				<b>SUBTOTAL =</b>	<b>\$ 3,330.00</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				Date: 01/27/2006	PKIDWELL
				GFREY1	00000118 190733 10524432
				<b>TOTAL NATIONAL FEE =</b>	<b>\$ 3,330.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$ 0.00
09/14/2005 GFREY1 00000118 190733 10524432				<b>TOTAL FEES ENCLOSED =</b>	<b>\$ 3,330.00</b>
01 FC:1681 02 FC:1617 03 FC:1615 04 FC:1614				Amount to be	\$
250.00 DA 130.00 DA 2350.00 DA 600.00 DA				Amount to be	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>19-0733</u> in the amount of <u>\$3,330.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0733</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: <b>BANNER &amp; WITCOFF, LTD.</b> Customer ID: 22907					
 <b>SIGNATURE</b> <u>681</u> <b>750.00 DA</b> <b>Sarah A. Kagan</b> <b>NAME</b> <b>32,141</b> <b>REGISTRATION NUMBER</b>					
Date: September 9, 2005					



JC03 Rec'd PC-AUTO 09 SEP 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of

**MADDEN, Stephen L., et al**

Serial No.: 10/524,432

Filed: 15 February 2005

) Group Art Unit: TBA  
)  
)  
Examiner: TBA  
)  
Atty. Dkt. No. 003482.00020

For: Brain Endothelial Cell Expression Patterns

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

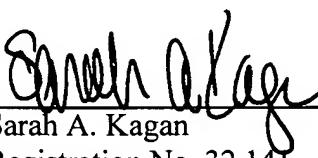
Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed June 28, 2005, enclosed herewith are copies of the Petition For Extension of Time Under 37 CFR 1.136 (a), Transmittal Letter, Executed Joint Declaration and Power of Attorney, two copies of a Fee Calculation Sheet, and a copy of the Notification Of Missing Requirements Under 35 U.S.C. 371.

Respectfully submitted,

By:

  
Sarah A. Kagan  
Registration No. 32,141

Date: September 9, 2005

Banner & Witcoff, Ltd.  
Customer ID No: 22907

SAK/mh



**UNITED STATES PATENT AND TRADEMARK OFFICE**

*SAK*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,432	Stephen I Madden	003482.00020
RECEIVED 003482.00020		
INTERNATIONAL APPLICATION NO.		
PCT/US03/25614		
I.A. FILING DATE		PRIORITY DATE
08/15/2003		08/15/2002
CONFIRMATION NO. 6126		
371 FORMALITIES LETTER		
 *OC00000016385261*		

Date Mailed: 06/28/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/15/2005
- Copy of the International Search Report filed on 02/15/2005
- Preliminary Amendments filed on 02/15/2005
- Biochemical Sequence Diskette filed on 02/15/2005
- Biochemical Sequence Listing filed on 02/15/2005
- Request for Immediate Examination filed on 02/15/2005
- U.S. Basic National Fees filed on 02/15/2005
- Priority Documents filed on 02/15/2005

Docketed 7/5/05

Attny SAK

Case Ref. 003482.00020

Action Response to NIFMR

Due Date 8/28/05

Last Day 1/28/06

By JL

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$2950 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$3330 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
  - The specification and drawings contain more than 100 pages. Applicant owes \$250 for pages in excess of 100 pages for a non-small entity.
- Total additional claim fee(s) for this application is \$ 2950
  - \$600 for 3 independent claims over 3.
  - \$2350 for 47 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

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Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,432	PCT/US03/25614	003482.00020

FORM PCT/DO/EO/905 (371 Formalities Notice)